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Dated: September 8, 2004

Signature:

Shawn P. Foley
(Shawn P. Foley)

Docket No.: ICON 3.3-002
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Klimyuk et al.

Application No.: 10/030,793

Group Art Unit: 1638

Filed: January 11, 2002

Examiner: A. D. Mehta

For: METHOD OF MAKING PLANT
ARTIFICIAL CHROMOSOMES

RESPONSE TO RESTRICTION REQUIREMENT AND PRELIMINARY AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Prior to examination on the merits, please amend the captioned patent application as follows.

IN THE CLAIMS:

1. (currently amended) A method of making a plant artificial chromosome, comprising:

- (a) preparing recombinant protoplasts of a first plant species containing an exogenous nucleic acid;
- (b) producing chromosome fragments of chromosomes contained in the recombinant protoplasts;
- (c) fusing the recombinant protoplasts of (b) with protoplasts of a second plant species to produce fused protoplasts, wherein the first and second plant species may be the same or different; and
- (d) identifying fused protoplasts of (c) or cells derived from the fused protoplasts of (c) that contain

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01 FC:1201	516.00 DA
02 FC:1202	18.00 DA
03 FC:1203	290.00 DA